

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAMAR BROWN, on behalf of himself and all others similarly situated,

Plaintiff,

-v.-

L'OVEDBABY, LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>1/19/2024</u>

22 Civ. 9068 (JHR)

ORDER TO SHOW CAUSE

JENNIFER H. REARDEN, District Judge:

Plaintiff Lamar Brown filed the Complaint in this action on October 24, 2022. ECF No.

1. Defendant L'ovedbaby, LLC was served with process on December 14, 2022. ECF No. 5. Its answer was therefore due on January 4, 2023. *See Fed. R. Civ. P. 12(a)(1)(A)(i)* (“A defendant must serve an answer . . . within 21 days after being served with the summons and complaint.”). To date, Defendant has not responded to the Complaint or otherwise appeared in this action. Plaintiff, however, has not obtained a certificate of default from the Clerk of Court or filed a motion for default judgment against Defendant.

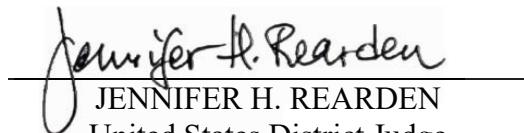
It is hereby ORDERED that, by no later than **January 29, 2024**, Plaintiff shall move for a default judgment against Defendant or show cause why this action should not be dismissed for failure to prosecute. Any application for a default judgment must comply with the Court’s Individual Rules and Practices in Civil Cases. **Failure to submit a timely and proper motion for default judgment may result in dismissal without prejudice of this case.** *See Fed. R. Civ. P. 41.* Pursuant to the Court’s Individual Rules, Plaintiff must serve its motion and supporting papers on Defendant by **January 29, 2024**, and must file an affidavit of service on ECF by **January 31, 2024**. If or when a motion for default judgment is filed and proof of service is

furnished, the Court will enter a further order setting a deadline for any opposition and reply and, if appropriate, scheduling a date and time for a default judgment hearing.

It is further ORDERED that, by **January 25, 2024**, Plaintiff shall serve a copy of this Order on Defendant via overnight courier. Within **two business days of service**, Plaintiff shall file proof of such service on the docket.

SO ORDERED.

Dated: January 19, 2024
New York, New York



JENNIFER H. REARDEN
United States District Judge